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UNIVERSITY OF WISCONSIN STUDIES

IN THE SOCIAL SCIENCES AND HISTORY

NUMBER 1

THE COLONIAL CITIZEN OF NEW YORK CITY

A COMPARATIVE STUDY OF CERTAIN ASPECTS OF CITIZEN-
SHIP PRACTICE IN FOURTEENTH CENTURY ENGLAND
AND COLONIAL NEW YORK CITY

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UNIVERSITY OF WISCONSIN STUDIES

NUMBER 3

SOCIAL SCIENCES AND HISTORY, NO. 1

NOVEMBER, 1918

PRICE, 50 CENTS

Published bi-monthly by the University of Wisconsin at Madison, Wisconsin

Entered as second class matter August 31, 1918, at the postoffice at Madison, Wisconsin, under the Act of August 24, 1912. Accepted for mailing at special rate of postage provided for in section 1103, Act of October 3, 1917, Authorized September 17, 1918.

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June 14, 1950

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THE COLONIAL CITIZEN OF NEW YORK CITY

Perhaps the most fundamental institution in the Royal Colony of New York was the citizen himself. Indeed, the importance of the freedom, i. e., the status of citizen, must not be underestimated, if an adequate appreciation is to be gained of industrial and social conditions during the colonial period. The citizen—or freeman, as he was designated throughout the colonial period—considered his citizenship a more highly prized right than does the average citizen of the present day. And there were reasons why he should so regard it; the title freeman was not an empty one. Not only did it possess for him a profound political significance, but it was the condition of his economic independence. Unless one were a freeman he did not possess the right of suffrage, nor was he eligible to election to public office. Furthermore, non-freemen were not permitted to practice trades or carry on any business whatsoever.

As in the case of other colonial institutions, this one can be best understood with reference to its historical antecedents. An examination of the sources reveals the fact that the status and privileges of the New York citizen were established and defined by legislation and practice of an early date. The freeman of colonial New York can be described and oriented only in terms of his medieval English ancestry. Early London citizenship practice is more completely revealed in the records of the fourteenth and fifteenth centuries than in those of later date. The practices that had grown up before the fourteenth century were summed up, reviewed, and re-defined in the city records of the fourteenth and fifteenth centuries, and were then given a more or less permanent codification. Later records mention the practice in a rather matter-of-fact manner, and do not, at regular intervals, completely

overhaul it for the purpose of giving instruction in processes that had become routine. Later detailed restatements in the form of Statutes of the Realm, or Common Council Ordinances, were unnecessary. We shall find that the essential characteristics of this medieval freemanship, or citizenship, were reproduced in New York at the beginning of the English occupation, and were continued with slight modification down to the nineteenth century.

In medieval England the rights of citizenship might be acquired in one of three ways. A thirteenth century record contains the following definite statement of the practice: *Sed sciendum est quod tribus modis adquiritur homini libertas civitatis:—Primo quod sit homo natus in civitate legitime ex patre; secundo quod homo sit apprenticius cum libero homine per septem annos et non minus, tertio quod homo mutuat suam libertatem coram majore aliis aldermanis cum camerario civitatis.*¹ All three methods—birth, apprenticeship, and redemption (i. e., purchase)—constituted the practice for several centuries.

These three methods of acquiring the franchise also obtained in the City of New York. The practice was continued without definite legislation to that effect. Occasionally, however, city ordinances refer, in this connection, to "the Usage & Practice of Corporations in England", but there is no source similar to the *Chronicle of Edward I and Edward II* to which we may turn for a definitive statement. It will be necessary, therefore, to build up the practice in colonial New York from records more or less fragmentary in character.

It may be assumed that those who claimed the franchise by birth were the sons of well-to-do freemen. All youth not of "independent living" were either apprentices engaged in mastering trades, or bondsmen, i. e., serfs or slaves. Undoubtedly those who acquired the rights of citizenship by birth enjoyed a higher social status than did those who obtained the franchise by apprenticeship or redemption. The

¹ *Chronicle of Edward I and Edward II*, Vol. I: 85.

London records indicate that many of these "freemen by birth" did not consider it necessary to go through the legal routine of appearing before the mayor and aldermen, and "taking up" the freedom. They seem also to have considered themselves privileged to enjoy liberties prohibited by city ordinances. This tendency to ignore the statutes increased to such an extent by the middle of the fourteenth century that the city was forced to enact corrective legislation. In 1368 it was decreed that "those who obtain the franchise by birth ought not to pay fine or other service according to ancient custom, except that when they become of full age they ought to take the same oath as other freemen, for *many of them think they are not bound to maintain the franchises because they have not been sworn.*"² This statute was re-enforced in 1387 by the following ordinance:

Also it was unanimously agreed and ordained that those claiming the freedom of the City by birth, within the year next ensuing, or within the first year after they come of age, if they be at large within the realm, and are not already sworn to the City, shall inform the Chamberlain for the time being of their birth, and, further, make the same oath as other freemen are wont to make, to the end that no one be admitted to judicial office in the City in future, wheresoever he may have been born whose father was a bondsman as aforesaid; and after the term now prescribed those claiming the freedom by birth shall not enjoy the freedom of the City until they shall have made the oath as aforesaid before the Chamberlain and it be enrolled; so that whensoever they shall be received to do the same, and when they shall have shown that they ought to be freemen of the City by birth as aforesaid, they shall be accepted as freemen of the City, and for such acceptance and entrance they shall pay nothing.³

In London, the citizen by birth enjoyed exemption from the payment of a registration fee, upon taking up the freedom. The city ordinances of 1368 and 1387 are very clear on this point, that "when they shall have shown that they ought to be freemen of the City by birth . . . they shall

² *Cal. Let. Bk. G*: 179.

³ *Ibid.*, *H*: 310.

be accepted as freemen of the City, and for such acceptance and entrance they shall pay nothing." In the City of New York this class of citizens was required to pay an enrollment fee. The earliest records—minutes of common councils of 1676, 1683, 1684, 1686, 1691, 1702, 1707, 1719—that contain references to the fees that freemen by birth might have paid, mention only the "customary fees on being made free."⁴ More definite information is given in the action of a common council of Sept. 1, 1726, which decreed "that the Town Clerk have for his fee for Registering each Freeman sworn or made One Shilling and Six Pence."⁵ A common council order of Nov. 9, 1763, throws additional light upon the "customary" fees; "every Person hereafter to be made Free of this City, that was born or served an Apprenticeship within the same, shall pay for being sworn a Freeman and registered, the sum of One Shilling and Six Pence to the Clerk, and Nine Pence to the Cryer and Bell-ringer of the Mayor's Court."⁶ Ten years later, Dec. 2, 1773, the clerk's and crier's fees were increased to 7s. 6d., and 1d. respectively, and the mayor was given a fee of 6 shillings.⁷ Two additional laws "Relative to the Admission of Freemen" must be mentioned to show the continuation of this practice in the state period: the mayor's fee was increased to 8 shillings on March 9, 1784,⁸ and on March 29, 1786, a fee of 6 shillings was allowed the recorder.⁹

To become a citizen of London through apprenticeship, it was required that the apprentice be twenty-one years of age, and that he have served a successful apprenticeship of at least seven years to some freeman master craftsman or merchant. The seven-year period was required by London legislation as

⁴ *Minutes of the Common Council of the City of New York*, I:10 (April 15, 1676); *ibid.*, 103 (Nov. 9, 1683); *ibid.*, 137 (Mar. 15, 1684); *ibid.*, 303 (Apr. 20, 1686); *ibid.*, 178 (Apr. 24, 1686); *ibid.*, 222 (Apr. 24, 1691); *ibid.*, 248 (Oct. 15, 1691); *ibid.*, II:198 (July 11, 1702); *N. Y. Hist. Soc. Coll.* 1885, p. 460 (Mar. 28, 1707); *ibid.*, 467 (1719).

⁵ *Minutes Com. Coun. City of N. Y.*, III:392.

⁶ *N. Y. Hist. Soc. Collections* 1885, p. 532.

⁷ *Ibid.*, 556.

⁸ *Ibid.*, 239-40.

⁹ *Ibid.*, 274-5.

early as 1279.¹⁰ In this prescription municipal ordinances were re-enforced by gild regulations. Craft ordinances, when they touched upon the proper term of apprenticeship, usually insisted upon its lasting at least seven years. The rules of nearly all the crafts conformed to a common type which may be represented by the Weavers' Ordinances of 1300: "No weaver shall receive an apprentice for less than a term of seven years."¹¹ The Hatters in 1347,¹² the Braclers in 1355,¹³ and the Masons¹⁴ in the following year passed by-laws enforcing a minimum term of seven years "according to the usages of the City." Outside London this requirement appears as early as 1307, in the ordinances of the York Girdlers,¹⁵ and as early as 1421 in the Coventry Barbers' Composition.¹⁶ Again, we find the City of Worcester, in 1467, demanding a "fulle vii yere of prentishode."¹⁷ All of these gild rules received the sanction of the city authorities, and so became part of the common laws of the country.¹⁸

¹⁰ *Liber Albus*, p. 383: "ne nulle a meindre term qe vii ans."

Cal. Let. Ek. D, pp. 96-179, containing entries for the years 1309-1313, records the apprenticeships of 415 boys to at least 50 different trades. 138 boys acknowledged themselves apprenticed for seven-year terms, one-third of the number recorded. The expression "full term" appears 101 times. It is safe to say that the majority of these "full terms" were for seven years at least. 153 acknowledged themselves apprenticed for terms longer than seven years.

A letter dated Aug. 18, 1354, contains the following excerpt which represents the type of record that appears frequently: "bound apprentice according to the custom of the City of London, for a term of seven years." (*Calendar of Letters*, p. 65.)

¹¹ *Liber Custumarum*, p. 124: "Et qe nul teler aprentiz ne receyve a meyns qe a terme de vii aunz."

¹² *Memorials*, p. 238.

¹³ *Ibid.*, 278.

¹⁴ *Ibid.*, 282; 439. Ordinances of London Cutlers, 1279; 354. London Haberdashers, 1371.

¹⁵ *York Memorandum Book*, I: 181: "That na maister fra this tyme forth tak nane apprentice for less terme than vii yere."

¹⁶ *Coventry Leet Book*, p. 225.

¹⁷ *Ordinances of English Gilds* (Smith), p. 390.

¹⁸ *Liber Albus*, p. 157: "Item, modus et formae antiqui de apprenticiis observentur." *Ibid.*, 272.

Memorials, p. 241. London Pewterers, 1348: "No one shall receive an apprentice against the usages of the City." *Ibid.*, 282.

Coventry Leet Book, pp. 29, 419, 645. Coventry, in city ordinances of 1421, 1475, 1515, insisted that no crafts make laws except with the consent of the mayor.

Upon completing his term of service the apprentice appeared before the municipal officials and sought admission to his craft and to the franchise of the city. First, he must prove that he was the son of a freeman; and this requirement was re-enforced by the oath which every freeman took to "take no apprentice unless he be a free man and not a bondsman."¹⁹ The "Book" or "paper of apprentices" was then consulted to ascertain whether he had been properly enrolled in the first year of his apprenticeship.²⁰ Apprentices were obliged by municipal legislation to enrol within the first year of their terms. This regulation appeared very early in the history of English apprenticeship,²¹ and was the authority for a long established practice. The guilds repeated it in their own ordinances.²² Enrolment was a public matter; the apprentice appeared,²³ or was brought,²⁴ before the master of the craft and also before the mayor or aldermen, or city chamberlain, and acknowledged himself indentured to a certain master craftsman. This acknowledgment, and the terms of

¹⁹ *Cal. Let.*, Bk. D: 195-6. Oath of Freemen.

²⁰ *Cal. Let.*, Bk. D, 96-179. Apparently each ward in the City of London kept a "Book" or "paper of apprentices." The reference appears 114 times for 23 wards, during the years 1275-1312.

²¹ As early as 1275.

²² *Liber Custumarum*, p. 81. Articles of the Saddlers and Joiners of London, 1308: "et qil le face enrouler en la Chaumbre de la Gihale, dedenz le primer an, sur la peyne qe appent."

Memorials, 258. Ordinances of London Furbishers, 1350.

²³ *Cal. Let.*, Bk. D: 97. "Sept. 29, 1309: The same day John Whitlock . . . came before the Chamberlain and acknowledged himself apprentice of Geoffrey de Sterteford, glover, for a term of seven years."

Ibid., 122. "July 11, 1310: The same day Richard . . . came before the Aldermen and Chamberlain, and acknowledged himself apprentice to John de Forkle."

Ibid., 144. "May 12, 1311: Godfrey . . . came before the afore-said Mayor and Aldermen."

²⁴ *Ibid.*, D: 66. "Mar. 16, 1310: Richard le Keu, Chaloner, made fine of half a mark that he had with him apprentices and did not cause them to be enrolled according to the custom of the city, and he was commanded to bring those apprentices for enrollment under penalty prescribed."

Ordinances of English Guilds (Smith), p. 316. Tailors' ordinances of 1466. "Also hit is ordeyned by the M. and Wardons and all the hole crafte, that euery persone of the sayd crafte that taketh aprentys, shall bryng hym before the M. and Wardons, and there to haue his Indenture in-rolled."

the indenture or contract between the master and apprentice were then enrolled and became a public record. If this record were satisfactory, when the apprentice became an applicant for citizenship, and if "good men of the Ward testified that the said apprentice had faithfully served the said master as apprentice," and was "a good and trusty man and fit to carry on the said trade,"²⁵ the apprentice paid the exit-fee and became a full fledged master craftsman and a citizen at the same time. A city enactment of 1368 decreed that "they (apprentices) should not be received (into the franchise) except with the testimony of their masters that they had faithfully served in their misteries seven years at least."²⁶ Furthermore, in the Oath of Freemen every citizen was obliged to swear that "Ye shall take no apprentice for less than seven years, and ye shall cause him to be enrolled as such within the first year of your covenant, and at the end of his term if he has well and loyally served you, ye shall cause his egress to be enrolled."²⁷

The exit-fee, mentioned in the preceding paragraph, signalled the youth's exit from the status of apprentice, and his entrance into the city freedom. Apprentices, upon becoming citizens, were required to pay the city chamberlain an enrolment fee. During the years 1309-1313 the most common fee was 2s. 6d.²⁸ In the next century the London Common Council decreed that "in order to relieve the increasing debts of the Chamber, the fees for the enrolment of apprentices should for the next four years be doubled; viz., for entrances 5s., and the *exits of the same* 7s."²⁹ During the six-

²⁵ *Cal. Let.*, Bk. D: 106, 122, 149, 150, 152, 154, 157, 161, 170, 178.

²⁶ *Ibid.*, G: 179.

²⁷ *Ibid.*, D: 195-6.

The keeping of a paper or roll of apprentices and others admitted to the freedom of the City in the Chamber of the Guildhall appears to have been begun in 1275, for in that year it is recorded as follows: "Eodem anno quaedam libertas in Londoniis fuit provisa, ut apprenticiorum nomina abbreviarentur in papirio camerae Gildaulae et eorum nomina qui libertatem dictae civitatis emere voluerunt in eodem papirio insererentur; et cuius nomen non fuit in dicto papirio libertate civitatis privaretur." (*Chronicle of Edward I and Edward II*, Vol. I: 85-86.)

²⁸ *Cal. Let.*, Bk. D: 96-179.

²⁹ *Ibid.*, K: 292. Act of March 2, 1443.

teenth and seventeenth centuries there was no uniformity of practice in this matter; the amounts varied from 4d. to £2.³⁰ If the apprentice did not take up the freedom immediately after the expiration of his term of service an extra fee was demanded of him.³¹

The essential characteristics of the early English practice of admission into the franchise through apprenticeship were reproduced in the City of New York. When a master took an apprentice he was required by law to enter into an agreement or contract with the apprentice containing the promises or covenants that should govern their relationship to each other. Then he must appear before the town authorities, and register the contract or indenture. The terms of the indenture were copied in a book kept for this purpose, and so became a public record.³² As we have seen, public enrolment of apprentices was insisted upon at a very early date in England. It was also the custom in the New England colonies.³³ Although the laws of the mother country obtained without separate reenactment in the Province of New York, from the date of occupation, the Common Council of the City of New York evidently found it necessary to remind the inhabitants of this requirement. It is probable that cases of neglect had occurred. At any rate, the following law was enacted:

³⁰ *Beverley Town Documents*, pp. 103, 116; *Manuscripts of Beverley*, pp. 97, 100; *Coventry Leet Book*, pp. 641, 645.

³¹ *Cal. Let.*, Bk. D: 40. 1309: "5s. to the Commonalty because not enrolled on quitting his apprenticeship."

Ibid., D: 54. 1310: "and because he did not make his exit immediately after his apprenticeship, he gives to the Commonalty half a mark."

See also *Ibid.*, D: 36, 37, 42, 43, 44, 45, 47, 56, 58, 65, 71.

³² Earliest extant book is entitled "Citty of N. Yorke Indentures of Apprenticeship begun February 19, 1694 and ends Jan. ye 29th 1707." This is a manuscript folio volume preserved at the City Hall of New York City.

Another book of this character is entitled "Indentures Oct. 2, 1718 to Aug. 7, 1727."

A common council act of Oct. 27, 1727 "Ordered the Mayor Issue his Warrant to the Treasurer to pay unto William Sharpes Town Clerk of this City . . . the sum of . . . for A Book for Recording Indentures of Apprenticeship." (*Minutes Com. Coun. City of N. Y.*, III: 423.)

³³ Seybolt, R. F., *Apprenticeship and Apprenticeship Education in Colonial New England and New York*, chaps. ii, iii, iv.

Att a Common Council held at the Citty Hall of the said Citty on Wensday the 16th day of January Anno Dom 1694.

Ordered that Noe Merchant handy Craft Tradesman Shall take Any Prentice to teach or instruct them in their Trade or Calling without being bound by Indentures before the Mayor Recorder or Any one of ye Aldermen of said Citty, and Registered in the Town Clerkes Office.³⁴

Every freeman, in the "Oath of a Freeman of the City of New York," was required to take the following oath: "Ye shall Swear, That . . . Ye shall take no Apprentice, but if he be free-born (that is to say) no Bond-man's Son, nor the Son of an Alien . . . and *within the first year ye shall cause him to be enrolled*, or else pay such fine as shall be reasonably imposed upon you for omitting the same."³⁵

It will be noted that the order of 1694 did not mention a fine as the penalty for non-compliance with the registration requirement. This was remedied, however, in the Oath of March 28, 1707. Complaints of violations were heard before the Mayor's Court, which imposed the prescribed fine, or freed the apprentice concerned. A case in which the latter penalty was imposed came before "a Court of Record held at the City Hall of the said City on Tuesday the first day of June Anno Dom 1725," which decreed that "John Aspinwall Apprentice to Jde Meyer Shoemaker is discharged from his Apprenticeship his Indentures not being Acknowledged, made or Registered According to the Laws of this Corporation."³⁶

³⁴ *Minutes* Com. Coun. City of N. Y., I: 373-4.

This requirement was repeated by the following common councils: Nov. 19, 1695 (*ibid.*, I: 388); Dec. 10, 1695 (*ibid.*, I: 393); Nov. 23, 1697 (*ibid.*, II: 22); Dec. 23, 1701 (*ibid.*, II: 184); Feb. 15, 1702 (*ibid.*, II: 223); Dec. 21, 1706 (*ibid.*, II: 314); Mar. 7, 1711 (*ibid.*, III: 3); Mar. 28, 1707 (*Ordinances* of the City of N. Y., 1707, 11); May 28, 1712 (*Minutes* Com. Coun. City of N. Y., III, 3).

³⁵ N. Y. Hist. Soc. *Collection* 1885, pp. 460-1. Oath of March 28, 1707.

³⁶ *Minutes* of Mayor's Court, Jan. 26, 1724 to June 1729. (Manuscript folio volume, in N. Y. Hall of Records. Pages not numbered. Items entered chronologically.)

A Court of Record of July 17, 1719, "Ordered that Joseph Prosser Son of Joseph Prosser deceased apprentice to John Johnson late of this City Perukemaker be Discharged from his Apprenticeship the indentures not being Register'd according to Law." (Mayor's Court *Minutes*, May 1718 to June 1720, 209. MS folio in N. Y. Hall of Records.)

The usual term of apprenticeship, according to English legislation was seven years, and it must not be completed until the apprentice was twenty-one years of age. In the Province of New York, however, the common council act of January 16, 1694, permitted four-year terms: "Noe Merchant handy Craft Tradesman Shall take Any Prentice . . . for a less Term than four Years." This was re-emphasized by the Oath of March 28, 1707, which contained a clause to the effect that apprentices must be taken "for no less term than for four years."⁸⁷ This action was, in effect, an annulment of the law of the mother country. Such a law also operated in contravention to the primary purpose of the apprenticeship system, the production of skilled craftsmen. But early in the next century it was recognised by the city authorities that the four-year term was inadequate; the average apprentice could not successfully learn a trade in so short a period. "Att a Common Council held at the City Hall of the Said City on Tuesday the 30th day of October, Anno Dom, 1711," the earlier law was repealed, and the time-honored seven-year term insisted upon. The act follows:

Forasmuch as Great Inconveniencys have Arisen by Apprentices serving but four years by Reason whereof they are seldom Masters of their Trades for remedy whereof be it Ordained by the Mayor Recorder Aldermen and assistants of the City of New York convened in Common Council and it is hereby Ordained by the Authorities of the same that from henceforth no Merchant Shopkeeper or Handy Craft Tradesman Shall take any Apprentice to teach or instruct in their trade or Calling without being bound by an Indenture before the Mayor Recorder or any one of the Aldermen of the said City and Registered in the Town Clerks Office and not for a less Term than seaven years; and at the Expiration of the said Indenture the said Apprentice shall be made free of the said City by the Master if he have well and truely served him, and the Clerk Shall have for Registering each Indenture of Apprentice the Sum of three Shillings to be paid by the Master of such Apprentice bound as aforesaid and that all Indentures of Apprenticeship hereafter to be made within this City Contrary to the true Intent and Meaning hereof shall be void and of None

⁸⁷ N: Y. Hist. Soc. *Collection* 1885, pp. 460-1.

Effect; any former Law of this Corporation to the Contrary hereof in anywise Notwithstanding.³⁸

Furthermore, all freemen were required, in the amended "Oath of a Freeman" of Oct. 30, 1711, to swear that "Ye shall take no apprentice for a less Term than for seven years."³⁹ Not only were the four-year apprentices, "seldom Masters of their Trades" but, in the phraseology of a similar Boston act of 1660, they were unable "att the expiration of their Apprenticeship to take charge of others for government and manuell instruction in their oocupation which, if not timely amended, threatens the welfare of this Town."⁴⁰ After 1711 there were but few violations of the seven-year requirement; 180 out of 220 indentures of apprenticeship, dating from 1666 to 1817, show compliance with custom in this matter. Common council acts of 1763, 1773, 1784, 1786, 1797, 1801 and 1815, "to regulate the admission of freemen in the City of New York" mention "a regular apprenticeship of seven years" as the prerequisite to becoming a citizen through apprenticeship.⁴¹

At the expiration of his term the apprentice was "made free of the said City," and was permitted to follow his trade or calling as a master "Merchant Trader or Shop-Keeper," or "Handy-craft Tradesman." As in medieval England, the authorities insisted that "he have well and truly served" his master, or, in other words, that he have served a successful apprenticeship. The practice of the mother country will be recalled also by the requirement that apprentices become citizens within a short time after completing the period of service. In the common council act of January 16, 1694, it was ordered that "att the Expiration of the Indentures the said Apprentice Shall be made Free of the Said City by his

³⁸ *Minutes Com. Coun. City of N. Y.*, II: 454-5. Repeated Dec. 1, 1719 (*ibid.*, II: 467); Sept. 1, 1726 (*ibid.*, II: 475).

³⁹ *Ibid.*, II: 454-5. Repeated in Oath of Sept. 1, 1726 (*ibid.*, III: 392).

⁴⁰ *Boston Town Records*, II: 157.

⁴¹ *N. Y. Hist. Soc. Collection* 1885, p. 532 (Nov. 9, 1763); *ibid.*, 556 (Dec. 2, 1773); *ibid.*, 239 (Mar. 9, 1784); *ibid.*, 274-5 (Mar. 29, 1786); *ibid.*, 294-5 (May 1, 1797); *ibid.*, 298-9 (Apr. 27, 1801); *ibid.*, 399 (Mar. 8, 1815).

Said Master if he have well and truely Served him.”⁴² This requirement was repeated by common councils of 1695, 1697, 1701, 1702, 1706, 1707, 1711 and 1712,⁴³ and was re-enforced by the Oath of a Freeman in which every citizen promised that “after his (the apprentice’s) term ends, within convenient time, being required, ye shall make him free of this City, if he have well and truly served you.”⁴⁴

Those who became citizens through apprenticeship paid the registration fees that were required of freemen by birth. In this matter, the City of New York did not distinguish, as medieval London did, between the two classes of citizens. The fee varied from 1s. 6d. to the clerk, in 1726, to “the sum of Eight Shillings to the Mayor, Six Shillings to the Recorder, Seven Shillings and Six Pence to the Clerk, and One Shilling to the Cryer and Bellringer of the Mayor’s Court”, in 1786.

Those who obtained the freedom by redemption, or purchase, were, for the most part, foreigners or strangers who had moved into London from places outside the city. The medieval Londoner looked with suspicion upon the foreigner, and the native craftsman forced the city to protect him from competition with strangers. Although many restrictions were imposed upon them, they were not designed to prevent respectable aliens from becoming citizens. As early as 1312 the City of London ordained “that thenceforth no stranger be admitted to the freedom of the City except with the assent of the Commonalty as in a common assembly or in full Husting in the presence of the Commonalty.”⁴⁵ This requirement was repeated on June 8, 1319 and received the sanction of Edward II, and the additional condition was imposed that

⁴² *Minutes Com. Council City of N. Y.*, I: 373-4.

⁴³ *Ibid.*, I: 388 (Nov. 19, 1695); *ibid.*, I: 393 (Dec. 10, 1695); *ibid.*, II: 22 (Nov. 23, 1697); *ibid.*, II: 184 (Dec. 23, 1701); *ibid.*, II: 223 (Feb. 15, 1702); *ibid.*, II: 314 (Dec. 21, 1706); *Ordinances of the City of N. Y.*, 1707, 11 (Mar. 28, 1707); *Minutes Com. Coun. City of N. Y.*, III: 3 (Mar. 7, 1711); *ibid.*, III: 3 (May 28, 1712).

⁴⁴ N. Y. Hist. Soc. *Collection* 1885, pp. 460-1. Oath of March 28, 1707 Repeated in Oath of Sept. 1, 1726 *Minutes Com. Coun. City of N. Y.*, III: 392).

⁴⁵ *Cal. Let.*, Bk. D: 283. See *Liber Albus*, p. 366.

if the foreigner seeking admission to the franchise belonged to a craft, he must find six mainpernors or sureties of his craft to indemnify the city on his behalf.⁴⁶

An examination of some 614 entries in the city records reveals the fact that the most common fee during the years 1309–1313 for admission to the franchise by purchase was one-half mark.⁴⁷ In 1364 this fee was increased to 60 shillings, or £3.⁴⁸ Within two years it proved so excessive that it “drove many to leave the city;”⁴⁹ and in 1381, “Whereas divers losses had occurred to the Chamber of the Guildhall and the whole Commonalty by reason of no one being admitted to the freedom of the City for less than £3, which prevented poor persons from obtaining it, and they had withdrawn to Southwerk and Westminster and without the liberty of the City, and many houses in the City on that account stood empty, and the number of the citizens had diminished—it was the same day ordained that thenceforth it should be lawful for the Chamberlain for the time being, associated with two Aldermen, to admit any fit and proper person by redemption *for a sum suitable to his estate*, the procedure recorded in the great charter of liberties of the City being followed as of old accustomed.”⁵⁰ On the whole, this statute was generally complied with, although an occasional instance may be found in which the £3 fee was paid.⁵¹

Colonial New York, in its practice of admitting to the franchise by redemption, differentiated between the “Merchant Trader or Shop-Keeper,” and the “Handicraft man.” In a

⁴⁶ *Liber Albus*, p. 142. “Quod nullus alienigena in libertatem civitatis praedictae admittatur, nisi in Hustengo.”

Liber Custumarum, pp. 269–70. “nisi per manuaptionem sex hominum proborum et sufficientum.”

Cal. Let., Bk. D: 46, 48, 49, 50, 60, 65 etc. for early 13th century instances of the practice of this legislation.

Cal. Let., Bk. E: 12–13, 214; *ibid.*, G: 211; *ibid.*, H: 235, 309.

⁴⁷ *Cal. Let.*, Bk. D: 35–96.

⁴⁸ *Ibid.*, G: 180.

⁴⁹ *Ibid.*, G: 212.

⁵⁰ *Ibid.*, H: 162; *ibid.*, H: 235. City ordinance of June 20, 1384: “he shall be received in the presence of an Alderman and the Chamberlain, paying more or less according to his estate and as the six men aforesaid may testify as to his ability to pay.”

⁵¹ *Ibid.*, H: 423 (1395).

"Proclamacon about freedomes of this Citty," dated June 5, 1675, the Mayor's Court ordered that "The Merchant or Shopp-keepers who deale in Considerable Estate by sea and Land are to pay Six Beavers: or the equivalent value; the Little Burger who sell by retayle or exercise their trade handycrafts & professions are to pay Two Beavers on the penalty of double ye Value for their default."⁵² This order was repeated, with slight change of phraseology, by a common council of April 15, 1676.⁵³ Subsequent common councils of 1683, 1684 and 1691, repeat these fees, or rather their money equivalents: merchants, £3 12s. and handicraftsmen, £1 4s.⁵⁴ During the years 1702-1719, the fee for merchants was reduced to 20 shillings, and that for handicraftsmen to 6 shillings.⁵⁵ In 1731 merchants were required to pay £3, while handicraftsmen paid 20 shillings.⁵⁶ A further increase was ordered by a common council of 1751, and until the nineteenth century the following fees were charged for admissions: merchants, £5, and handicraftsmen, 20 shillings.⁵⁷ The type of the legislation under consideration is illustrated by a city ordinance of November 9, 1763, which is identical in form, except for modifications of the fee-requirements, with all New York colonial and state period enactments on this subject. The act follows:

Be it Ordained by the Mayor, Recorder, Aldermen and Assistants of the City of New York, convened in Common Council, and it is hereby Ordained by the Authority of the same. That all Persons hereafter to be made free of this Corporation (who were not born within this City, or served a regular apprenticeship of seven years within the same) shall pay for the Freedom thereof as followeth, to wit, Every Merchant, Trader, or Shop-Keeper, the Sum of Five Pounds, of current Money of this Colony, including

⁵² Mayor's Court *Minutes*, Nov. 13, 1674 to Sept. 21, 1675 (MS. folio in N. Y. Hall of Records).

⁵³ *Minutes* Com. Coun. City of N. Y., I: 10.

⁵⁴ *Ibid.*, I: 103, 137, 222, 248.

⁵⁵ *Ibid.*, II: 198 (July 11, 1702); N. Y. Hist. Soc. *Collection* 1885, p. 460 (Mar. 28, 1707); *ibid.*, 467 (1719).

⁵⁶ *Minutes* Com. Coun. City of N. Y., IV: 96.

⁵⁷ *Ibid.*, V: 326; N. Y. Hist. Soc. *Collection* 1885, p. 556 (Dec. 2, 1773); *ibid.*, 239 (Mar. 9, 1784); *ibid.*, 274-5 (Mar. 29, 1786); *ibid.*, 294-5 (May 1, 1797).

the several Fees herein after mentioned; and every Handicraft Tradesman, the Sum of Twenty Shillings, of like current Money, for the use of this Corporation, with the Customary Fees on being made free, That is to say, Six Shillings to the Mayor, Six Shillings to the Recorder, Seven Shillings and Six Pence to the Clerk, One Shilling to the Cryer and Bell-ringer of the Mayor's Court; and that every Person hereafter to be made Free of this City, that was born or served an Apprenticeship within the same, shall pay for being sworn a Freeman and registered, the Sum of One Shilling and Six Pence to the Clerk, and Nine Pence to the Cryer and Bell-ringer of the Mayor's Court.⁵⁸

In the nineteenth century, common councils of April 27, 1801,⁵⁹ and March 8, 1815,⁶⁰ made the following changes in the fee-requirements: "A merchant, trader or shopkeeper, the sum of twelve dollars and fifty cents, and a mechanic the sum of two dollars and fifty cents."

In addition to these fees for the freedom, which were paid to the city corporation, there were the "customary" fees to be given the city authorities who officiated in the making of freemen. As indicated in the discussion of the enrolment fees paid by those who acquired the rights of citizenship by birth and apprenticeship, the earliest laws "to regulate the admission of freemen" do not mention the amounts of these "customary" fees. In the common council act of Nov. 9, 1763, set out in the preceding paragraph, we find the earliest available complete description of the fees. Those acquiring the freedom by purchase were obliged to pay "Six Shillings to the Mayor, Six Shillings to the Recorder, Seven Shillings and Six Pence to the Clerk, One Shilling to the Cryer and Bell-ringer of the Mayor's Court." This prescription was re-enacted on December 2, 1773.⁶¹ Subsequent city statutes of 1784, 1786 and 1797, reveal the fact that during the early state period the mayor enjoyed an increased fee of 8 shillings.⁶² Common council acts of April 27, 1801, and March 8,

⁵⁸ N. Y. Hist. Soc. *Collection* 1885, p. 532.

⁵⁹ *Ibid.*, 298-9.

⁶⁰ *Ibid.*, 399.

⁶¹ *Ibid.*, 556.

⁶² *Ibid.*, 239-40, 274-5, 294-5.

1815 strike out the fees for the mayor and recorder, and insist "that every person on being admitted and made free, as aforesaid, shall pay the following fees, to wit: One dollar to the Clerk and twenty-five cents to the Crier of the Mayor's Court."⁶³

In colonial New York a city ordinance of June 27, 1702, ordered that those who "are poor and not able to purchase Their Freedoms be made Freemen of this Citty Gratis."⁶⁴ This concession to "such as are not able to pay" is repeated in later statutes.⁶⁵ A typical instance of the practice established by this legislation is given in the following common council action of Oct. 23, 1703: "Resolved that Matthias Pooley Painter Nicholas Pooley Taylor and George Booth Joyner, being poor Tradesmen and not able to pay, be made Freemen of this Corporation Gratis."⁶⁶ In some cases all fees, including the "customary" fees, may have been remitted; in others, the applicants were "Admitted Freemen of this Citty paying the Fees of their Certificates only."⁶⁷

Apparently, this practice has no counterpart in London in the early fourteenth century. The statutes of 1381 and 1384 modified the earlier custom of requiring certain fixed fees, and permitted the freeman by redemption to pay "a sum suitable to his estate."⁶⁸ In some instances fees were reduced for the poor, but were not remitted entirely.⁶⁹

There were citizens of this class, however, who obtained the franchise of London without any payment at all, thanks to

⁶³ N. Y. Hist. Soc. *Collection*, 1885, 298-9, 399.

⁶⁴ *Minutes* Com. Coun. City of N. Y., II: 197.

⁶⁵ *Ibid.*, II: 198-9 (1702); N. Y. Hist. Soc. *Collection* 1885 p. 467 (1719).

⁶⁶ *Minutes* Com. Coun. City of N. Y., II: 243. At a Mayor's Court of Feb. 7, 1720, "Daniel Potter a Carman" was "Admitted & sworn a Freeman gratis being a Poor Man." (Mayor's Court *Minutes*, May 1720 to Aug. 1723, p. 116. MS folio in N. Y. Hall of Records).

This practice antedated the ordinance of June 27, 1702; the minutes of a common council of March 31, 1699 contain the following entry: "The Petition of Robert Cranell was read and the Courte doe Order that he be Admitted a Freeman of this Citty Gratis, he being a poor man & not able to purchase ye same." (*Minutes* Com. Coun. City of N. Y., II: 75).

⁶⁷ *Ibid.*, I: 395. Common council action of Jan. 23, 1696, in answer to the petition of eight applicants.

⁶⁸ *Cal. Let.*, Bk. H: 162, 235.

⁶⁹ *Ibid.*, D: 36, 60.

the influence of some high court or church dignitary. An entry of 1309 records the admission of one Robert de Mane-feld, a messenger, "into the freedom of the City of London . . . And at the instance of the lord the King he gives nothing for having the freedom."⁷⁰ Occasionally, those who had rendered certain services were pardoned their fees at the instance of the mayor or one of the aldermen.⁷¹ In the available records of the City of New York there is but one instance of an admission of this character. On March 9, 1703, the common council "Ordered that Elias Desgrange, Puke maker who came hither with his Excellency the Governour be made a Freeman of this Corporation Gratis."⁷²

A description of the classes of freemen and of the methods by which the freedom was acquired in colonial New York will not be complete unless consideration is given the "charter freemen." They were defined at a common council meeting of Dec. 13, 1695, at which it was "Resolved that all the Inhabitants of this Citty their Apprentices and Children that were here att the time the Charter was granted be allowed and Deemed Freemen of this Citty they Registring their Names in the Town Clerks Office for which Each Person Soe Registred Shall pay Nine Pence."⁷³ This order was repeated on June 28, 1698, with the added provision "that None be Registered Under ye Age of twenty one Years and that the said Register be taken before the Mayor and two Aldermen who are to Sitt every Tuesday morning att ye Citty Hall from the hours of Nine to Eleaven of the Clock till the Same be perfected And that the Oath of A Freeman of this Citty be Administered to all that Come to be Registred."⁷⁴ These laws, entitled "Who are to be deemed Freemen," were re-

⁷⁰ *Cal. Let.*, Bk. D: 35. See also *ibid.*, 44, 48, 51, 52, 53, 54, 56, 57, 59, 77, 78 *etc.*

⁷¹ *Ibid.*, D: 58, 75, 76, 89, 92. It is interesting to note that most of these individuals were valets, cooks *etc.* who had been successful in pleasing their masters.

⁷² N. Y. Hist. Soc. *Collection* 1885, p. 456.

⁷³ *Minutes Com. Coun. City of N. Y.*, I: 394.

⁷⁴ *Ibid.*, II: 31.

enacted as late as 1719.⁷⁵ Of interest in connection with the enrolment fees paid by all citizens upon taking up the freedom is the information that the "freemen by Charter" paid a uniform registration fee of nine pence.

With increasing arrivals of foreigners, and strangers from other colonies, after the charter was granted, the city found it necessary frequently to check up its list of freemen. It is probable that, during the first three decades of the English occupation, some of the inhabitants, who were "freemen by Charter," assumed that the fact of their citizenship was well known, and hence that registration was unnecessary. At any rate, the common council, on Sept. 15, 1683, ordered the provost and marshal "fforthwith upon Receipt hereof to go from house to house throughout this Citty & to make a true & Pfect Catalogue or list of all ye Freemen householders & Inmates & their male children aboue ye Age of 16 years Inhabiting therein & present ye Same to ye deputy Mayor with all possible speed."⁷⁶ On July 25, 1687, the Constables were ordered to summon all the inhabitants of the City to appear before certain designated Aldermen "at the Citty Hall & there *Give an account of their ffreedomes* to the sd aldermen who are appointed a Comittee to Judge who shall be allowed as ffreemen and who not that ye Names of such as shall be allowed May be Enrolled."⁷⁷ A later city ordinance, of Jan. 16, 1695, repeats the substance of earlier laws, and adds the order "that an Oath be drawn up & Administred to all

⁷⁵ *Minutes*, Com. Coun. City of N. Y., II: 315 (1706); N. Y. Hist. Soc. *Collection* 1885, p. 460 (1707); *Minutes* Com. Coun. City of N. Y., III: 3 (1712); N. Y. Hist. Soc. *Collection* 1885, p. 468 (1719).

⁷⁶ *Minutes* Com. Coun. City of N. Y. I: 98.

The Deacons may have performed occasionally a somewhat similar duty, and it is probable that the mayor and aldermen compared the lists returned by the provost marshal, constables, and deacons, and so were enabled to secure a "true & Pfect Catalogue." "The Court of Record of the City aforsd holden att the Citty Hall within the said Citty the 26th day of April 1681, Before Capt. Wm. Dyre Mayor . . . Ordered that ye Deacons of the Church doe make monthly Visitations or oftener as occasion throughout this City & Enquire into & make returne of Such persons as are fitt to be Admitted & Continue Inhabitants & of what Idle & Vagrant persons are & come into the sd Citty." (Mayor's Court *Minutes*, July 24, 1677 to Sept. 15, 1682. MS. folio in N. Y. Hall of Records.)

⁷⁷ *Minutes* Com. Coun. City of N. Y., I: 188.

Such as Shall be made Free or are Already Free According to the Usage & Practice of Corporations in England.''⁷⁸

In addition to appearing before the city authorities and paying the enrolment fees, all applicants for citizenship, whether by birth, apprenticeship or redemption, were required to take the oath of a freeman. This was the most important step in the process of taking up the freedom. On this occasion the new citizen received at the hands of the mayor and aldermen a lesson in civic responsibilities, and a grant of privileges. The oath was, in effect, a contract between the city and the citizen; in return for certain privileges, the freeman promised to discharge certain duties. Obviously, for the purposes of this study it will be necessary to reproduce, without abridgment typical oaths of medieval London and colonial New York. As we shall see, the oath is the most valuable of all citizenship documents because it sums up the more or less fragmentary description of the practice revealed by common council legislation and other records.

The English oath to be considered is one drawn up in the late thirteenth, or early fourteenth century. It reads:

Ye shall swear that ye shall be faithful and loyal unto our lord the King of England, and to his heirs Kings, and be obedient to the Mayor and Ministers that keep the City, and the franchises and customs of the City, ye shall Maintain according to your power, and the said City as much as in you is ye shall keep harmless, and partners shall ye be in all charges touching the City, as in summonses, contributions, watches, tallages, and other charges, like other freemen of the City. Ye shall not avow as your own the goods of foreigners, whereby the King may lose his custom. Ye shall take no apprentice for less than seven years, and ye shall cause him to be enrolled as such within the first year of your covenant, and at the end of his term, if he has well and loyally served you, ye shall cause his egress to be enrolled. And if you know of any stranger trafficking in the City, you shall warn the Chamberlain or the Serjeants of the Chamber. Ye shall not implead any man who is of the franchise of the City outside the same City, if able to obtain redress before the Ministers of the

⁷⁸ *Minutes Com. Coun. City of N. Y.*, I: 373. See also *ibid.*, 389 (Nov. 19, 1695); *ibid.*, 393 (Dec. 10, 1695); *ibid.*, II: 22 (Nov. 23, 1697); *ibid.*, 184 (Nov. 28, 1701); *ibid.*, 223 (Feb. 15, 1703).

City. And if ye shall know of any Assembly, congregation, or covin made contrary to the peace ye shall warn the Mayor for the time being. And ye shall take no apprentice unless he be a free man and not a bondsman. All which points aforesaid ye shall well and truly keep, so God you help and his Saints.⁷⁹

The practice to which reference is made in the apprenticeship clauses has been discussed. After examining the oath of a freeman of the City of New York, we shall consider the other important responsibilities and rights.

The New York oath which we shall use for the purpose of comparison is one dated March 28, 1707. Although the city records refer frequently to oaths of earlier date,⁸⁰ this is the earliest to be set out completely. It follows:

Ye shall Swear, That ye shall be good & true to our Sovereign Lady Queen Anne, and to the Heirs of our said Sovereign Lady the Queen. Obeysont and Obedient shall ye be to the Mayor and Ministers of this City, the Franchises and Customs thereof. Ye shall maintain, and this City keep harmless, in that which is in you is. Ye shall be contributing to all manner of charges within this City as Summons, Watches, Contributions, Taxes, Tallages, Lot and Scott, and all other Charges, bearing your part as a Free-man ought to do. Ye shall know no Forreigner to buy or sell any Merchandise with any other Forreigners within this City or Franchise thereof, but ye shall warn the Mayor thereof, or some Minister of the Mayors. Ye shall implead or sue no Free-man out of this City, whilst ye may have Right and Law within the same. Ye shall take no Apprentice, but if he be free-born (that is to say) no Bond-man's Son, nor the Son of an Alien, and for no less term than for four years, without fraud or deceit; and within the first year ye shall cause him to be enrolled, or else pay such Fine as shall be reasonably imposed upon you for omitting the same; and after his term ends, within convenient time, being required, ye shall make him free of this City, if he have well and truly served you. Ye shall also keep the Queens Peace in your own Person. Ye shall know of no Gatherings, Conventicles

⁷⁹ *Cal. Let.*, Bk. D: 195-6.

⁸⁰ *Minutes* Com. Coun. City of N. Y., I: 373. A common council of Jan. 16, 1695 ordered "An Oath to be drawn up and Administered to all Such as Shall be made Free or are Already Free According to the Usage and Practice of Corporations in England."

Ibid., I: 394 (Dec. 12, 1695); *ibid.*, II: 31 (June 28, 1698); *ibid.*, 184 (Dec. 23, 1701); *ibid.*, 223 (Feb. 15, 1703); *ibid.*, 315 (Dec. 21, 1706).

or Conspiracies made against the Queens Peace, but you shall warn the Mayor thereof, or let it to your power. All these Points and Articles ye shall well and truly keep, according to the Laws and Customs of this City. So help you God.⁸¹

The striking similarity of the two oaths will be noted at once. It is evident that the phraseology and content of the New York oath of 1707 were borrowed from the medieval London oath. The former reproduced the significant features of its English model, and except for a few minor changes in phraseology it is a verbatim copy of the oath of the mother country. In comparing the two oaths, the New York requirement of an apprenticeship term of "no less . . . than for four years" must not be singled out for special emphasis. The difference is not important, in this connection, for it will be recalled that the traditional seven-year term was restored in the amended oath of October 30, 1711.⁸²

In the course of a century the oath of 1707 underwent several changes. If the oath, with its statement of duties and rights, reflects, at all, contemporary freemanship practice, these modifications must be examined carefully. As indicated above, a common council ordinance of Oct. 30, 1711, changed the term of apprenticeship from four to seven years, and "Order'd the Oath of a Freeman be Alter'd Accordingly." Otherwise the content of the 1707 oath was repeated without modification.⁸³ On Oct. 27, 1725, the common council "Order'd the Words in the Freeman's Oath (Ye Shall also keep the King's Peace in your own Person) be Struck out of the said Oath."⁸⁴ The next oath set out in full in the city records is one of Sept. 1, 1726, and in it we find that the modifications of 1711 and 1725 have been incorporated.⁸⁵ Further change was made by the common council on Nov. 18, 1731, and an oath drawn up in the following simplified form:

YE SHALL SWEAR that Ye Shall be good and true to our sovereign Lord King George and to the Heirs of our said sovereign

⁸¹ N. Y. Hist. Soc. *Collection* 1885, pp. 460-1.

⁸² *Minutes* Com. Coun. City of N. Y., II: 454-5.

⁸³ N. Y. Hist. Soc. *Collection* 1885, pp. 468-9 (Oath of 1719).

⁸⁴ *Minutes* Com. Coun. City of N. Y., III: 378.

⁸⁵ *Ibid.*, III: 392.

Lord the King. Obeysant and Obedient shall ye be to the Mayor and Ministers of this City. The Franchises and customs thereof Ye Shall Maintain and this City keep harmless in that which in you is. Ye shall be contributing to all Manner of Charges within this City as summons Watches Contributions Taxes Tallages Lot and Scot and all Other Charges bearing your Part as A Freeman Ought to do. Ye Shall know of no gatherings Conventicles or Conspiracies made against the King's Peace but you Shall warn the Mayor thereof or lett it to your power. All these Points and Articles ye Shall well and truly keep According to the Laws and Customs of this City. So help you God.⁸⁶

This was repeated verbatim on Nov. 9, 1762,⁸⁷ and on Dec. 2, 1773.⁸⁸ The first oath to appear in the state period (March 9, 1784) was still further simplified. It reads:

I-----do swear, That I, as a Freeman of the City of New York, will be obeisant and obedient to the Mayor, and other Ministers or Peace Officers of the said City; the franchises and customs thereof, I will maintain and keep the said city harmless as much as in me lieth. I will know of no unlawful gatherings, assemblies, or meetings, or of any conspiracies against the peace of the people of the state of New York, but I will warn the Mayor, or other Magistrate thereof, or hinder it to the utmost of my power. All these points and articles I will well and truly maintain and keep according to the laws and customs of the said city. So help me God.⁸⁹

This abridgment was further abridged on March 29, 1786 to:

I-----do swear that I, as a Freeman of the City of New York will maintain the lawful franchises and customs thereof, and keep the same City harmless as much as in me lieth, and that I will in all things do my Duty as a good and faithful Freeman of the same City ought to do. So help me God.⁹⁰

With the omission of "So help me God," the oath of 1786 was repeated by common councils of May 1, 1797,⁹¹ April 27,

⁸⁶ *Minutes* Com. Coun. City of N. Y., IV: 121.

⁸⁷ N. Y. Hist. Soc. *Collection* 1885, pp. 532-3.

⁸⁸ *Ibid.*, 557.

⁸⁹ *Ibid.*, 239-40.

⁹⁰ *Ibid.*, 274-5.

⁹¹ *Ibid.*, 294-5.

1801,⁹² and March 8, 1815, the last "Law to regulate the admission of Freemen in the City of New York."⁹³

Every citizen of New York City, upon paying the required fees and taking the oath, received a certificate of freedom. The earliest certificate preserved in the city records is one dated Dec. 7, 1675; it is also a certificate of naturalization.

These are to Certify all Persons whom these presents may Concerne or Come to that the Bearer hereof Daud Jochams the Seauenth day of december One Thousand Six hundred Seauenty and ffiue did take the Oath of fidelity to our Soueraigne Lord the Kinge And his Royll Highness James Duke of Yorke and that thereupon hee was made a ffree Burgher of this Citty and taken to bee an English Man within this Citty and Collony and hath ye same Priuiledges and Liberties as any other of his Maties Subjects within this Citty and Coollony, Witness my hand and the Seale of ye sd Citty this Ninth day of Nouember in the Eight and twentieth Yeare of the Raigne of our most Gracous Soueraigne Lord Charles the Second Kinge of England &c Annoqe Dim 1676.⁹⁴

Early in the next century this form was changed, and the following drawn up:

Isaac De Riemer Esqr Mayor and the Aldermen of the Citty of New Yorke To all to whome these presents shall Come Send Greeting Whereas Thomas Evans, Bricklayer hath made application to be made a Freeman and Cittizen of the said Citty. These are therefore to Certifie and Declare that the said Thomas Evans is hereby Admitted Received and allowed a Freeman and Cittizen of the said Citty, to have Hold Enjoy and Partake of all the Benefitts Liberties Priuiledges Freedoms & Immunities Whatsoever Granted or belonging to the same. IN TESTIMONY, whereof the said Mayor hath hereunto Subscribed his Name and Caused the seale of the said Citty to be affixed the first day October, Anno. Dom. 1701. Annoq. Rog. Regs. Will tertii. Nunc. An. &c. Decimo tertio. I. D: Riemer, Mayor. Will. Sharpas Clk.⁹⁵

⁹² N. Y. Hist. Soc. *Collection*, 1885, 298-9.

⁹³ *Ibid.*, 399.

⁹⁴ *Minutes Com. Coun. City of N. Y.*, I: 26-7. See N. Y. Hist. Soc. *Collection* 1885, pp. 42, 43, for similar certificates of Nov. 4, 1678, Jan. 14, 1679, July 6, 1680.

⁹⁵ N. Y. Hist. Soc. *Collection* 1885, p. 451. See *ibid.*, 466, 500, 534, for similar certificates of 1715, 1738, 1765.

This remained the type form throughout the colonial period. The State period certificate may be represented by the following:

JAMES DUANE, Esquire, MAYOR, And the Aldermen of the City of New York. To all to whom these Presents shall come, send Greeting: KNOW YE, That Lawrence Goetz, Blacksmith, is admitted, received and allowed a Freeman and Citizen of the said City; to Have, Hold, Use and Enjoy all the Benefits, Privileges, Franchises and Immunities whatsoever, granted or belonging to the said City. IN TESTIMONY whereof, the said Mayor and Aldermen have caused the Seal of the said City to be hereunto affixed. WITNESS JAMES DUANE, Esquire, Mayor, the twenty-fifth day of May in the Year of our Lord 1784, and of the Sovereignty and Independence of the State the eighth. James Duane. Robt. Benson Clk.⁹⁶

Having acquired the freedom by any one of the methods just considered, the citizen possessed all the privileges of the suffrage, and of carrying on his trade or profession. This was true in general of the fourteenth century, the period emphasized in this study for comparison with colonial New York. But early in the fifteenth century it was evident that a tendency had set in to curb the privileges of the freemen by redemption. Large numbers of foreigners were coming into the city, and were threatening to break down the exclusiveness of the freemen by birth and apprenticeship. These classes of citizens had assumed that they alone were eligible to certain civic and trade honors and favors. In 1420, the cutlers of London ruled "That no one thenceforth be elected Master or Warden unless he be a freeman of the City by birth or apprenticeship served in the said Mistery, under penalty of 100s."⁹⁷ The attitude of the city is illustrated by an act of 1432 which decreed "that from this day forward no man be admitted into the saide Fraunchise but he be born or made apprentice or officer with ynne the Citee."⁹⁸ The practice of admission to citizenship by redemption had become so lax by 1433 that an

⁹⁶ N. Y. Hist. Soc. *Collection*, 1885, 249.

⁹⁷ *Cal. Let.*, Bk. I: 250.

⁹⁸ *Ibid.*, K: 161.

ordinance was passed by the common council to bring it within bounds.⁹⁹ In the following year, the city decided to exclude freemen by redemption from enjoying membership in the common council. To that end the mayor directed "the Aldermen to cause a certain number of men, freemen of the City either by birth or by apprenticeship, and not by redemption, to be elected members of the city council."¹⁰⁰

During the early years of the fourteenth century freemen alone possessed unlimited trade privileges. The "Assizes of the City of London," of 1277-1278, decreed "that no one shall carry on merchandize in the City . . . unless he be willing to be of the Justice of the City."¹⁰¹ Except under certain restrictions, non-freemen were not permitted to do any business or even reside within the city. Foreigners and strangers were allowed a forty-day period in which to transact their business.¹⁰² Exceptions were made, however, from time to time, in the cases of various foreign towns.¹⁰³ In 1335 a statute was passed to the effect that merchant strangers should be allowed to trade freely throughout the realm in spite of charters to the contrary.¹⁰⁴ Within two years the citizens of London were forced to complain of the disadvantages of carrying on their business in competition with strangers, and in 1337 they secured a charter restoring to the city all its ancient privileges.¹⁰⁵ The citizens continued to enjoy the monopoly of trade until 1351, when parliament again enacted that the statute of 1335 should be enforced. In a petition for redress, dated 1357, the freemen of London complained that foreigners were "more free than themselves."¹⁰⁶ This condition was remedied by a charter of December 4, 1377 which again confirmed to the citizens the monopoly of trade

⁹⁹ *Cal. Let.*, Bk. K: 164.

¹⁰⁰ *Ibid.*, K: 190.

¹⁰¹ *Ibid.*, A: 219.

¹⁰² *Ibid.*, B: 78, 80 (1298); *ibid.*, C: 76 (1300).

¹⁰³ *Liber Custumarum*, pp. 64-66.

¹⁰⁴ *Cal. Let.*, Bk. B: 234. *Ibid.*, E: 228, 240, 248, 254, 256, 263, 265, 272. Privileges of merchants from various English towns.

¹⁰⁵ *Cal. Let.*, Bk. F: 229.

¹⁰⁶ *Ibid.*, F: 14-15.

¹⁰⁶ *Ibid.*, G: 85-86.

within the City to the exclusion of nonfreemen.¹⁰⁷ In the fifteenth century the old restrictions show a tendency to break down entirely. Many crafts complained that large numbers of strangers were working in the various trades of the city,¹⁰⁸ and some were even forced to combine on account of the activity of non-freemen.¹⁰⁹ The result was that many crafts drew up rules effecting the exclusion of strangers, and secured the city's sanction to the regulations.¹¹⁰

In colonial New York only "free Citytzens" were permitted to exercise the right of suffrage, or to engage in any business whatsoever. Among "ye Customes libertyes and priuiledges" "wch were Confirmed & granted" to the City of New York by "Coll Richd Nicholls late Governor of this Province by Authority undr his Royall Highnesse Anno 1665" was the following: "None were to be esteemed Freemen of the Citty but who were admitted by ye Magistrates aforesd & none before such admission to sell by Retayle or exercise any handy-craft trade or occupation."¹¹¹ Early in the history of New York City, during the period when the English system of administration was in the process of establishment, cases of violation were frequent. It is probable that strangers were mingling freely with the freemen, and were attempting to engage in business without first securing legal permission. The following action of the Mayor's Court describes the situation, and orders a remedy:

Att a Court Meeting held in New Yorke the 5th June in the 27th Yeare of his Matis reigne, 1675: The Court having taken into

¹⁰⁷ *Cal. Let.*, Bk. H: 86. See *Ibid.*, 90, 91, 94, 95, for restrictions imposed upon strangers.

¹⁰⁸ *Cal. Let.*, Bk. K: 61, 335, 341, 364. See also *Ibid.*, L: 118, 154, 295, 302.

¹⁰⁹ *Ibid.*, L: 138.

¹¹⁰ *Ibid.*, L: 203, 210, 254, 264, 284, 291, 320.

¹¹¹ *Minutes Com. Coun. City of N. Y.*, I: 102-3.

"At a Court meeting held the 9th day of May, 1675 . . . These presented themselves to ye Court & requested to bee admitted into the Burgery of this Citty to ye end that they may follow their trade & calling, wch was granted them accordingly Provided they behave themselves Civilly, and pay such acknowledgements as hereafter shall be ordered for Strangers admition to the freedome of this Citty, which they Engaged to doe when thereunto required." (Mayor's Court *Minutes*, Nov. 13, 1674 to Sept. 21, 1675)

their Consideracon the great inconveniencys of Strangers who come heere and openly sell and retayle their goods wares and Merchandizes and exercise their trades and handicraftes without taking notice of ye Corporation or, obteyning the Priviledge or freedome of this Citty, according to former Orders and Custome as well heere as in other places

Whereupon they thought fitt to order That all persons whatsoever that live in this Citty or that come from other parts to trade or Exercise their Profession ffunction or trade, and have not taken out their Burgership or freedome—Shall within Fourteen dayes after ye Publication hereof come and address themselves to ye Court, the Mayor or his Deputy who upon Civill behaviour and Paying wt is hereafter mentioned may bee admitted accordingly vizt, The Merchant or Shopkeepers who deale in Considerable Estate by sea and Land are to pay Six Beavers: or the Equivalent value; the Little Burger who sell by retayle or exercise their trade handicrafts & professions are to pay Two Beavers on the penalty of double ye Value for their default, and after their admition they are to take out a Certificate of their Priviledge from the Towne Clearke who is to deliver it with ye Seale of the Citty fixed thereunto.

Published at ye Citty hall the day and yeare above written.

By John Sharpe

Towne Clearke.¹¹²

The minutes of the common council contain many laws enacted to protect the freeman in his enjoyment of this privilege.¹¹³ A re-enactment of March 15, 1684 stipulates a "Penalty of fve Pounds for Each offence," and this penalty

¹¹² Mayor's Court *Minutes*, Nov. 13, 1674 to Sept. 21, 1675.

The following excerpt from a petition of 1747 describes a similar situation: "We his and Your most constant and zealous Subjects are invaded and attacked by illegal and circumventing malpractices, against the peace and interests and priveledges of this City and its Denizens, by Sundry and numerous persons, not Freemen of this City, but Inhabitants of the Neighbouring provinces and more especially of the Jerseys, who in Several numerous Companys Several times heretofore have and still do make a practice of coming into this City after the laying of our taxes yearly there to exercise their Several handicraft trades such as Carpenters, Bricklayers &c. undermining Us the ancient Freemen of the aforesaid City." (N. Y. Hist. Soc. *Collection* 1885, p. 507.)

¹¹³ *Minutes* Com. Coun. City of N. Y., I: 10 (April 15, 1676); *ibid.*, I: 103 (Nov. 9, 1683); *ibid.*, I: 222 (Apr. 24, 1691); *ibid.*, I: 248 (Oct. 15, 1691); *ibid.*, II: 198-9 (July 11, 1702); *ibid.*, IV: 96-7 (Nov. 18, 1731); N. Y. Hist. Soc. *Collection* 1885, 460 (Mar. 28, 1707); *ibid.*, 467 (1719).

was continued in all later statutes of this character.¹¹⁴ The Dongan Charter of 1686 confirmed all privileges "anciently had, held, used or enjoyed," and in this connection it made an exception to the trade monopoly held by citizens in the case of strangers who came to the city to participate in the public fairs. This section reads as follows:

And noe Person or Persons whatsoever Other than Such free Cittizens Shall hereafter use any Art Trade Mystery or Manual occupation within the Said Citty Liberties and Precincts thereof Saving in the times of Fairs there to be kept, And dureing ye Continuance of Such Fairs only. And in Case any Person or Persons whatsoever not being Free Cittizens of ye Said Citty as Aforesaid Shall att any time thereafter use or exercise Any Art, Trade, Mystery or Manual Occupation or Shall by himself themselves or others Sell or expose to Saile Any Manner of Merchandize or Wares whatsoever, by retaile In Any house Shop or place Standing within ye Said Citty or ye Liberties or Precincts thereof, Noe Fair being Kept then in ye Said Citty And Shall persist therein, After a Warneing to him or them Given or left by Appointment of ye Mayor of ye said Citty for ye time being att ye Place or Places where such Person or Persons Shall soe use or exercise Any Art, Trade Mystery, or Manual Occupation or shall sell or expose to sayle any Wares or Merchandizes as Aforesaid by retaile, then itt Shall be Lawfull for ye Said Mayor of the Said Citty, for the time being, to cause Such Shop Windows to be Shut upp, And Alsoe to Impose Such reasonable Fine for Such offence not exceeding five pounds.¹¹⁵

In the Montgomerie Charter of 1731 we find a repetition of this section of the charter granted by Governor Dongan.¹¹⁶ Common council ordinances of the late seventeenth century indicate that the city authorities frequently took steps to find out whether any non-freemen were engaged in trade. The following act of May 9, 1691 represents the type of order to accomplish this purpose:

That All the Inhabitants of this Citty that Shall bee Warned by Mr Thomas Clarke to produce their ffreedomes to Retaile or use

¹¹⁴ *Minutes Com. Coun. City of N. Y.*, I: 137. See sources under note 113.

¹¹⁵ *Colonial Laws*, N. Y., I: 192-3. Repeated in Dongan Charter of the City of Albany, 1686 (*Colonial Laws*, N. Y., I: 209-10).

¹¹⁶ *Colonial Laws*, N. Y., I: 586-7.

any handicraft trade within this Citty are hereby Required to Satisfie the Said Clarke in their ffreedoms or giue Satisfisfaction to the Mayor of the Citty within fourteen dayes time after Such Demand made by Mr Clarke upon fforfeiture of Twenty Shillings for the Use of the Citty.¹¹⁷

In addition to special legislation on the subject, and confirmation by charter, the common council in 1730 ordered "That the Corporation have Power . . . to Restrain all Unfreemen from Exercising any Trade or Occupation within the same."¹¹⁸

Among other advantages which the freeman of the city enjoyed over the non-freeman was exemption from the jurisdiction of courts of law outside the city, except in certain specified cases. Citizens of London could not be forced to plead or be impleaded outside the city's walls. This privilege had been granted to them by Henry II, about the year 1155. In the Oath of a Freeman, set out above, every citizen was instructed not to "implead any man who is of the franchise of the City outside the same City, if able to obtain redress before the Ministers of the City." This injunction was re-enforced by city legislation of 1300, and by occasional statutes of later date.¹¹⁹ Ordinances of 1358 and 1361 agree in "forbidding one freeman of the City to implead another Freeman outside the City for a matter done within the City, where the plaintiff can recover before the Mayor and Aldermen, on pain of losing his franchise, or of imprisonment."¹²⁰ The city records indicate that these laws were enforced, and that the offender was usually "condemned to lose the franchise of the City and

¹¹⁷ *Minutes Com. Coun. City of N. Y.*, I: 228. See *ibid.*, I: 248 (Oct. 15, 1691); *ibid.*, I: 264 (Feb. 5, 1692).

In order to close every loop-hole through which non-freemen might slip into the city and illegally engage in trade, "At a Court Meeting held on Saturday ye 13 of March 1675, the Governours Order alsoe was Publisht forbidding and prohibiting all forreiners and Strangers or Others to trade within his R. H. territories without coming to this port, and there to make their due entries according to Law, under the penalties therein mentioned." (*Mayor's Court Minutes*, Nov. 13, 1674 to Sept. 21, 1675.)

¹¹⁸ *Minutes Com. Coun. City of N. Y.*, IV: 7. See *ibid.*, IV: 30 (Aug. 3, 1730).

¹¹⁹ *Cal. Let.*, Bk. C: 66. See *Ibid.*, K: 363.

¹²⁰ *Ibid.*, G: 129.

to be committed, *as a foreigner*, to the Kings prison of Newgate, and . . . the Chamberlain was instructed not to allow him to keep open shop within the liberty of the City."¹²¹

The colonial citizen of New York City enjoyed the same privilege of trial in city courts. In the oath of 1707 every freeman was enjoined to this effect, that "Ye shall implead or sue no freeman out of this City, whilst ye may have Right and Law within the same."¹²² The minutes of the common council contain no record of legislation on this matter, but it may be assumed that this privilege was never revoked by statute. It is interesting to note, in this connection, that the Duke of York's Laws of 1665 forbade foreigners to attach "a settled Inhabitant before giving security to prosecute his action."¹²³

The freedom of the city entailed duties and responsibilities as well as conferred privileges. One of these duties, and one strongly insisted on in the thirteenth and early fourteenth centuries, was that of residence. All freemen of London were required to live in the city, under penalty of forfeiting their citizenship.¹²⁴ Usually, when information came to the city authorities that a certain freeman was living outside the walls, the offender "was told to reside in the City so long as he wished to enjoy the freedom of the City."¹²⁵ Sometimes it was impossible to obey the order immediately, but in such cases the city allowed the freeman concerned a reasonable period of time in which "to come and reside therein with his wife and family and all his goods and chattels."¹²⁶ If the warning were not heeded, and the freeman continued to live outside, the rights of citizenship were taken from him. This duty appears to have given place by 1319 to what had then come to be looked upon as a still more important duty, viz.,

¹²¹ *Cal. Let.*, Bk. I: 19. See *ibid.*, H: 225; *ibid.*, K: 383.

¹²² Repeated in Oath of 1719 (N. Y. Hist. Soc. Collection 1885, pp. 468-9).

¹²³ *Colonial Laws*, N. Y., I: 15.

¹²⁴ *Cal. Let.*, Bk. C: 149. Nov. 30, 1305: "It was found upon their own acknowledgement that they . . . resided without the liberties of the City of London. It was therefore adjudged that they lose the freedom of the City."

Ibid., K: 180. City statute of 1434; *ibid.*, L: 137. Statute of 1476.

¹²⁵ *Ibid.*, D: 75 (1311).

¹²⁶ *Ibid.*, D: 86 (1312). See *Ibid.*, D: 61 (1311).

that of being in Lot and Scot.¹²⁷ In 1365 "it was ordained by the said Mayor, Aldermen, and Sheriffs, with the assent of the Commonalty, that all those who had already been 'admitted to the freedom of the City and had not continuously resided in the City, should fully have and enjoy all their liberties, in the same degree as those who had continuously resided therein, provided they be in lot and scot and parteciate 'in the burdens arising in the City whensoever they arise.'" ¹²⁸

The duty of residing within the city was not reproduced in colonial New York. If a citizen remained in Scot and Lot, he might absent himself from the city 'indefinitely. In its petition of November 7, 1683 for a charter, the city asked that it be permitted to continue 'in the enjoyment of the following "priuiledge" granted in 1665: "if any ffreeman should be absent out of the Citty ye space of 12 moneth & not keep ffire and Candle & pay scott & lott should loose his freedome." ¹²⁹ In 1676 the city ordered that "if any Person or Persons soe made free Shall depart from this Citty by the Space of Six months Unless Such Person or Persons So departing Shall during that time keepe fire and Candle Light and pay Scot and Lot, Shall Loose his' and their freedome." ¹³⁰ Ordinances of 1684 and 1698, however, establish the twelve-month period as the maximum length of time for which a freeman might absent himself without losing his citizenship. ¹³¹ Legislation of this character was supplemented by the oath in which all citizens promised to contribute to "all manner of Charges," including "Lot and Scott." ¹³²

¹²⁷ Among the articles for the better government of the City of London, approved by Edward II, in 1319, is the following: "Et quod omnes et singuli de libertate civitatis existentes et extra civitatem eandem manentes, per se vel per suos mercandisas suas infra dictam civitatem exercentes, sint in Lotto et Scotto, cum communarius ejusdem civitatis, pro mercandisis suis praedictis; vel alias a libertate sua amoveantur." (*Liber Cust.*, pp. 270-1.)

Liber Albus, p. 157. "Item quod cives ejusdem civitatis, nisi sint in Lotto et Scotto et participes omnium onerum pro statu civitatis, libertatem suam amittant."

¹²⁸ *Cal. Let. Bk. G.*: 203. See *Liber Albus*, p. 391.

¹²⁹ *Min. Com. Coun. City of N. Y.*, I: 103.

¹³⁰ *Ibid.*, I: 10.

¹³¹ *Ibid.*, I: 137; *ibid.*, II: 29; *N. Y. Hist. Soc. Collection* 1885, p. 449.

¹³² Repeated in Oaths of 1707, 1719, 1726, 1731, 1762, 1773.

This completes our brief comparison of freemanship practice in fourteenth century England and colonial New York City. Only the most significant analogous features of this practice have been considered. As we have seen, colonial New York reproduced without radical change the medieval methods of acquiring the franchise, the Oath, the privileges of suffrage, trade, and intra-urban justice, and the important duty of "being in Scot and Lot."

Let us turn from the foregoing discussion of analogies between medieval English and colonial New York citizenship, to a consideration of the disappearance of the old freeman. Early in the nineteenth century it was evident that the colonial practice was falling into disuse. In spite of the fact that as late as 1801, the state passed a law which provided that "no person shall vote as a freeman of the said City (New York City) at any of the said elections, *unless he shall have been admitted to the freedom of the said city*, at least three months, and have actually resided in the ward for which he shall so vote, at least one month before the day of the election,"¹³³ the centuries-old freeman with his "antient priuiledges" was already an anachronism. By this time, although the charter of the city ordained that "no person whatsoever not being a free Citizen of the Said City as aforesaid Shall at any time hereafter use any Art trade Mystery or occupation within the Said City . . . Save in the time of public fairs,"¹³⁴ "many wholesome inhabitants have moved into the said city, and have been permitted to carry on their arts, trades, mysteries, merchandise and occupations, and have contributed to the public expenses and performed the duties exacted of citizens, *without having been made Freemen of the said city*, whereby its population and wealth have been greatly increased, and its arts and commerce promoted."¹³⁵ Natur-

¹³³ *Laws of the State of New York*, 24th Session (Albany, 1887), p. 470. "An Act relative to the election of Charter officers, and relative to weigh-masters in the city of New York," passed April 7, 1801.

¹³⁴ *Colonial Laws*, N. Y., I: 586-7.

¹³⁵ *Extract from the proceedings of the Senate on the revision of the Charter, 1804* (N. Y. Hist. Soc. *Collection* 1885, p. 352).

ally, in view of the fact that the old charter still obtained, it was doubted whether such inhabitants were entitled to vote for charter officers until they had been made freemen of the city according to the particular method prescribed by the charter.¹²⁶ This problem was solved by a state law of 1804 which ordered the following revision of the charter:

IV. And be it further enacted, That all persons who are qualified by the Charter of the said city, to vote for Charter officers, and every male citizen of this state, or of any of the United States, of the age of twenty-one years and upwards, who shall have resided in the said city for the space of six months preceding such election, and shall during that time have rented a tenement of the yearly value of twenty-five dollars, and have paid any taxes within the said city, and is not disqualified by law, shall vote at such election for charter officers, and shall be entitled to all the rights and privileges of a freeman of the said city: Provided always

V. And it is hereby further enacted, That no person shall vote at any such election except in the ward in which he shall actually reside.¹²⁷

Although the old voting qualifications of the citizen no longer obtained, the practice of admitting freemen "According to the Usage & Practice of Corporations in England" did not cease immediately. The common council minutes for the years 1807, 1808, 1809 and 1811 contain occasional records of those who "appeared before the Mayor and Alder-

¹²⁶ The common council minutes of the last decade of the eighteenth century record several instances in which non-freemen were elected to the offices of constable, assessor, alderman, and assistant. In each case, after it was "suggested" that the officer-elect was "not qualified agreeable to the Charter of this City to serve in the said office," or "was not a free Man of this City, and . . . a freeholder in the Ward," "his Election was declared by the Board to be void." (See actions of Oct. 4, 1791, Oct. 12, 1791, Oct. 3, 1796, Oct. 14, 1797, Oct. 14, 1799, in *Minutes Common Coun. City of N. Y.*, 1784-1831, I: 674, 677; *ibid.*, II: 290, 396-7, 576. These minutes are in process of publication by the City of New York. Through the kindness of Dr. Williamson, director of the Municipal Reference Library, I was permitted to examine the page-proof.)

¹²⁷ *Laws of the State of New York*, from 1801 to 1804 (Albany, 1804), pp. 427-8. "An Act relative to the election of Charter Officers in the City of New York," passed April 5, 1804. This law repealed the act of April 7, 1801.

men," and "were respectively, on application admitted Freeman and took the Freeman's Oath."¹³⁸ "But," as Samuel L. Mitchill said in 1807, "this part of the Charter has, of late years been but little acted upon. Freeman are seldom created; and no prosecutions are brought against those who carry on business without taking out their freedom."¹³⁹ "At a Common Council held the 8th day of March, 1815," the City enacted its last "Law to regulate the admission of Freeman in the City of New York." The act follows:

Be it ordained by the Mayor, Aldermen, and the Commonalty of the City of New York in Common Council convened. That each person hereafter to be admitted and made a Freeman of the said city (other than such as were born or have served a regular apprenticeship of seven years within the same) shall pay as follows; to wit: A merchant trader or shopkeeper, the sum of twelve dollars and fifty cents, and a mechanic the sum of two dollars and fifty cents, for the corporation of the said city; and that every person on being admitted and made free as aforesaid, shall pay the following fees, to wit: One dollar to the clerk, and twenty-five cents to the crier of the Mayor's Court.

And further, That each person hereafter to be admitted and made a Freeman of the said city shall take, before the Mayor and any four of the Aldermen, the following oath or affirmation, to wit:

I do swear, or affirm (as the case may be). That I as a Freeman of the City of New York, will maintain the lawful franchises and customs thereof; that I will keep the said city from harm as much as in me lieth, and that I will in all things do my duty as a good and faithful Freeman of the said city ought to do.¹⁴⁰

With but few minor changes of phraseology, and necessary modifications of the fee-requirement, this law reproduces the essential features of the earliest colonial legislation concerning the admission of freemen. Since 1815 no freemen have been admitted in the City of New York except those upon whom the freedom was bestowed "as a testimonial of respect or gratitude, on the part of the corporation, towards persons in high station, or who may have entitled themselves to the honor

¹³⁸ N. Y. Hist. Soc. *Collection* 1885, pp. 365-9.

¹³⁹ Mitchill, Samuel L., *The Picture of New York* (New York, 1807).

¹⁴⁰ N. Y. Hist. Soc. *Collection* 1885, p. 399.

by personal merit, or some distinguished service.”¹⁴¹ There are many instances of such admissions in the city records, dating from the colonial period to as late as 1866 when President Andrew Johnson was so honored upon the occasion of his visit to New York.

¹⁴¹ Kent, Chancellor, *The Charter of New York* (New York, 1836), p. 152.

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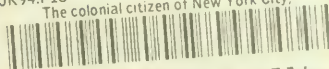
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